



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,773	01/14/2004	Tomoaki Endo	03500.013745.1	2334
5514 7590 11/18/2009 FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK, NY 10104-3800				
EXAMINER				
WASHINGTON, JAMARES				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
11/18/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/756,773

Applicant(s)

ENDO ET AL.

Examiner

JAMARES WASHINGTON

Art Unit

2625

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 69-94 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 69-94 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/GS/US)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 06/30/2009

DETAILED ACTION

Response to Amendment

Amendments and response received August 3, 2009 have been entered. Claims 69-93 are currently pending in this application. Claims 69, 79 and 89 have been amended and claims 92-94 newly added by this amendment. Amendments and response are addressed hereinbelow.

Drawings

In light of the arguments presented regarding the “issuance unit”, Examiner withdraws previous objection to the drawings.

Claim Rejections - 35 USC § 101

In light of the amendments to the claimed subject matter which ties the method steps to a statutory structure, Examiner withdraws previous grounds of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2625

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 69-71, 73, 75-81, 83 and 85-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yousef R. Yacoub (6552813 B2) in view of Albert Aiello, Jr. et al (US 6337745 B1).

Regarding claim 69, Yacoub discloses an information processing apparatus (Fig. 5 numeral 600 client station) for controlling via a communication medium (Fig. 5 numeral 650 network) a peripheral (Fig. 5 numeral 660 or 670, printers) that processes a job, which executes a predetermined service, the apparatus comprising:

an obtaining unit adapted to obtain (Fig. 5 numeral 610 virtual printer via numeral 620 network interface), via the communication medium (Fig. 5 network 650, communication medium), function information that includes information indicating plural setting values executable by the peripheral ("Virtual printer 610 receives other data, from the server 680 or a database in client 600, such as the capabilities of the printers so that the virtual printer can find the most appropriate printer, one that complies with the user's print job preferences" at Col. 11 line 46. Information regarding the capabilities of the printers reads on information indicating plural setting values as each function has to be given a value indicating it's capability to perform or a value indicating the function cannot be performed); and

an inhibition unit (Fig. 5 numeral 610 virtual printer).

Yacoub fails to explicitly disclose an issuance unit adapted to issue a job provided with plural setting values including a value of a first attribute and a value of a second attribute different from the first attribute.

Aiello et al, in the same field of endeavor of directing print jobs to printers in accordance with attributes needed for the job and the capabilities of a connected printer (Col. 2 lines 29-34), teaches an issuance unit adapted to issue a job provided with plural setting values including a value of a first attribute and a value of a second attribute different from the first attribute (Col. 2 lines 25- 39 wherein the user may "drag-and-drop" the print job to a selected printer. The method also prevents/inhibits drag-and-drop if attributes of the print job do not match that of the printer; Col. 5 lines 32-45 wherein print "resources" and printer's "set-up" read on the claimed plural setting values including first and second attributes (e.g., fonts and overlays combined with the printer's set-up) having values (i.e., checked or unchecked indicating availability). The "values" are described at Col. 8 lines 39-44 wherein resources are indicated available or not available).

It would have been obvious to one of ordinary skill in the art at the time the invention was made for information processing apparatus comprising an obtaining unit and an inhibition unit as disclosed by Yacoub to include an issuance unit adapted to issue a job provided with plural setting values including a value of a first attribute and a value of a second attribute different from the first attribute as taught by Aiello et al for additional control over print jobs while providing a flexible, easy-to-use operator interface.

Yacoub fails to explicitly disclose the inhibition unit being adapted to, if at least one of the plural setting values of the job does not satisfy a predetermined condition related to the plural setting values indicated by the function information obtained by the obtaining unit, inhibit issuance of the job by the issuance unit and wherein the inhibition unit allows issuance of the job by the issuance unit, if at least one of the plural setting values of the job satisfies the predetermined condition, based on a first determination of whether both of the values of the first and second attributes satisfy the predetermined condition or a second determination of whether either of the values of the first and second attributes satisfies the predetermined condition.

Aiello et al teaches inhibiting issuance of the job by the issuance unit if at least one of the plural setting values of the job related to the user instruction does not satisfy a predetermined condition related to the "plural setting values indicated by the function information" (Col. 2 lines 37-39 wherein drag-and-drop is prevented if the printer's "set-up" is determined incompatible with the print job's "set-up"). The respective "set-up" reads on at least one setting value indicated by the function information as this term is used to describe the configuration or "attributes" of the printer corresponding to the needs of the print job) and wherein the inhibition unit allows issuance of the job by the issuance unit, if at least one of the plural setting values of the job satisfies the predetermined condition (Col. 2 lines 29-36, wherein only the printer set-up information may be used to determine printing inhibition), based on a first determination of whether both of the values of the first and second attributes satisfy the predetermined condition or a second determination of whether either of the values of the first and second attributes satisfies

Art Unit: 2625

the predetermined condition (wherein the above cited portions of the prior art indicate either determination may be used to allow or inhibit the printing process).

It would have been obvious to one of ordinary skill in the art at the time the invention was made for the inhibition unit as disclosed by Yacoub to be adapted to, if at least one of the plural setting values of the job does not satisfy a predetermined condition related to the plural setting values indicated by the function information obtained by the obtaining unit, inhibit issuance of the job by the issuance unit, wherein the inhibition unit allows issuance of the job by the issuance unit, if at least one of the plural setting values of the job satisfies the predetermined condition, based on a first determination of whether both of the values of the first and second attributes satisfy the predetermined condition or a second determination of whether either of the values of the first and second attributes satisfies the predetermined condition as taught by Aiello et al to improve the invention as disclosed by Yacoub in a manner which aids in print job distribution and control. A person of ordinary skill in the art would have recognized that applying the known technique of inhibiting issuance of the print job to the printer or allowing issuance of the print job according to the above criteria as taught by Aiello would have yielded predictable results and would have improved the information processing apparatus of Yacoub in determining if and how to route print jobs more efficiently.

Regarding claim 70, Yacoub discloses an information processing apparatus according to Claim 69, wherein the function information obtained by the obtaining unit includes information indicating a job attribute range executable by the peripheral ("... speed can be variable and have many values from which the user can choose, such as

slow, slower, fast, fastest or medium" Col. 5 lines 15. This indicates a "range" of one of the attributes of the printer), and further comprising a display unit (Fig. 5 numeral 640 user interface) adapted to distinguishably display the job attribute range on a user interface (Col. 11 lines 25-28; as mentioned before, the range of speed is an attribute that can be selected on the interface) provided in a control program for controlling the peripheral based on the obtained function information (Col. 11 line 31-36 wherein the preferences selected by the user are sent to the virtual printer which "controls" the "appropriate" printer to output the preferences selected. Col. 11 lines 3-6 wherein software (a control program) manages hardware within the system).

Regarding claim 71, Yacoub discloses an information processing apparatus according to Claim 69, wherein the obtaining unit obtains information indicating a function setting range executable by the peripheral ("... speed can be variable and have many values from which the user can choose, such as slow, slower, fast, fastest or medium" Col. 5 lines 15. This indicates a "range" of one of the attributes of the printer).

Regarding claim 73, Yacoub discloses an information processing apparatus according to Claim 69, wherein the obtaining unit obtains information indicating a function selectable in the peripheral ("Virtual printer 610 receives other data, from the server 680 or a database in client 600, such as the capabilities of the printers..." Col. 11 line 46).

Regarding claim 75, Yacoub discloses an information processing apparatus according to Claim 69, wherein the obtaining unit obtains from the peripheral an attribute list indicating functions corresponding to one of a physical device control program, a logical device control program, a resource control program of the peripheral and a coordinate control program for coordination thereof ("Further, while some printers are capable of understanding one of the printer languages such as either Postscript or PCL but not both, a further print job preference may be the printer language which either the software/application used in generating the print job" at Col. 8 line 26. Indicating an attribute sent to the "virtual printer" for making determinations can include the language supported by the peripheral which is readable on a logical device control program; Fig. 4 shows the layout of a typical office suite having both laser and inkjet printing devices, indicating information obtained from the peripheral devices will include the type of printer which would be controlled by the client station. Therefore, physical device control programs would need to be acquired in order to print from both laser and inkjet printers located in the office setting).

Regarding claim 76, Yacoub discloses an information processing apparatus according to Claim 75, wherein the physical device control program includes at least one of a scanner control program that controls a scanner engine of the peripheral, a laser beam printer control program that controls a laser beam printer engine of the peripheral, and an ink jet printer control program that controls an ink jet printer engine of the peripheral (see rejection of claim 75; Suggesting laser and inkjet printers are controlled).

Regarding claim 77, discloses an information processing apparatus according to Claim 75, wherein the logical device control program includes at least one of a print job control program that controls a laser beam printer control program, a print job control program that controls an ink jet printer control program, a print job control program that controls the laser beam printer control program and the ink jet printer control program, a scan job control program that controls a scanner control program, a copy job control program that controls the scanner control program and the laser beam printer control program, and a copy job control program that controls the scanner control program and the ink jet printer control program (see rejection of claim 75 wherein print job control programs, using either PCL or Postscript languages, are utilized to control the laser and inkjet printers).

Regarding claim 78, Yacoub discloses an information processing apparatus according to Claim 69, wherein the obtaining unit obtains the function information from the peripheral (Col. 5 lines 41-44 wherein the virtual printer will query...all printers present in...an office suite...").

Regarding claim 79, Yacoub discloses an information processing method for controlling via a communication medium a peripheral that processes a job which executes a predetermined service (see rejection of claims 69; apparatus implementing the method), the method comprising:

Art Unit: 2625

an obtaining step of obtaining, via the communication medium, function information that includes information indicating plural setting values executable by the peripheral (see rejection of claim 69);

an issuance step of issuing a job provided with plural setting values including a value of a first attribute and a value of a second attribute different from the first attribute (see rejection of claim 69); and

an inhibition step of, if at least one of the plural setting values of the job does not satisfy a predetermined condition related to the plural setting values indicated by the function information obtained by the obtaining unit, inhibiting issuance of the job in the issuance step (see rejection of claim 69),

wherein the inhibiting step includes allowing issuance of the job in the issuance step, if at least one of the plural setting values of the job satisfies the predetermined condition, based on a first determination of whether both of the values of the first and second attributes satisfy the predetermined condition or a second determination of whether either of the values of the first and second attributes satisfies the predetermined condition, based on a first determination of whether both of the values of the first and second attributes satisfy the predetermined condition or a second determination of whether either of the values of the first and second attributes satisfies the predetermined condition (see rejection of claim 69), and

wherein at least one of the above steps is performed by a computer processor (Col. 11 lines 50-51 wherein the virtual printer may be hardware).

Regarding claim 80, Yacoub discloses an information processing method according to Claim 79, wherein the function information obtained in the obtaining step includes information indicating a job attribute range executable by the peripheral, and wherein the method further comprises a step of distinguishably displaying on a display unit the job attribute range on a user interface provided in a control program for controlling the peripheral based on the obtained function information (see rejection of claim 70).

Regarding claim 81, Yacoub discloses an information processing method according to Claim 79, wherein the obtaining step includes obtaining information indicating a function setting range executable by the peripheral (see rejection of claim 71).

Regarding claim 83, Yacoub discloses an information processing method according to Claim 79, wherein the obtaining step includes obtaining information indicating a function selectable in the peripheral (see rejection of claim 73).

Regarding claim 85, Yacoub discloses an information processing method according to Claim 79, wherein the obtaining step includes obtaining from the peripheral an attribute list indicating functions corresponding to one of a physical device control program, a logical device control program, a resource control program of the peripheral and a coordinate control program for coordination thereof (see rejection of claim 75).

Regarding claim 86, Yacoub discloses an information processing method according to Claim 85, wherein the physical device control program includes at least one of a scanner control program that controls a scanner engine of the peripheral, a laser beam printer control program that controls a laser beam printer engine of the peripheral, and an ink jet printer control program that controls an ink jet printer engine of the peripheral (see rejection of claim 76).

Regarding claim 87, Yacoub discloses an information processing method according to Claim 85, wherein the logical device control program includes at least one of a print job control program that controls a laser beam printer control program, a print job control program that controls an ink jet printer control program, a print job control program that controls the laser beam printer control program and the ink jet printer control program, a scan job control program that controls a scanner control program, a copy job control program that controls the scanner control program and the laser beam printer control program, and a copy job control program that controls the scanner control program and the ink jet printer control program (see rejection of claim 77).

Regarding claim 88, Yacoub discloses an information processing method according to Claim 79, wherein the obtaining step includes obtaining the function information from the peripheral (see rejection of claim 78).

Regarding claim 89, Yacoub discloses a computer-readable storage medium, storing, in executable form, a program for causing an information processing apparatus to

Art Unit: 2625

control via a communication medium a peripheral that processes a job, which executes a predetermined service, the program comprising:

obtaining code, issuance code and inhibiting code for implementing the method as described in claim 79 above (Col. 11 lines 16-19 wherein the virtual printer can be a combination of software and hardware which reads on a storage medium storing the program to implement the method as rejected in claim 79 above).

3. Claims 72, 82, 90-94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yacoub in view of Aiello, Jr. et al as applied to claim 69 above, and further in view of Koichi Murakami (EP 0529692 A2).

Regarding claim 72, Yacoub discloses an information processing apparatus according to claim 71 further comprising:

a determination unit (see rejection of claim 69; virtual printer 610) adapted to determine whether an inhibition attribute is set for the job (see rejection of claim 69 wherein acquiring the capabilities of the printer gives the attributes not supported by the printer, by default); and wherein the inhibition unit inhibits issuance of the job by the issuance unit (see rejection of claim 69).

Yacoub fails to explicitly disclose a discrimination unit adapted to discriminate whether a combination of attributes set for the job is inhibited, if the determination unit determines that an inhibition attribute is set for the job and inhibiting issuance of the job if the discrimination unit discriminates that a combination of attributes set for the job is inhibited.

Murakami, in the same field of endeavor, teaches a discrimination unit adapted to discriminate whether a combination of attributes set for the job is inhibited if the determination unit determines that an inhibition attribute is set for the job (Col. 16 lines 36-50 wherein there must exist a "discrimination unit" adapted to determine the stapling capability corresponding to the number of sheets counted when a predetermined number of sheets will inhibit stapling. Stapling capability to number of sheets reads on a "combination of attributes" which would inhibit printing if the count exceeded a predetermined number), and inhibiting issuance of the job if the discrimination unit discriminates that a combination of attributes set for the job is inhibited (Col. 16 lines 47-52 wherein issuance of the job is prohibited when the number of sheets exceeds a predetermined number).

It would have been obvious to one of ordinary skill in the art at the time the invention was made for the information processing apparatus as disclosed by Yacoub to utilize the process and accompanying unit as taught by Murakami wherein a discrimination unit adapted to discriminate whether a combination of attributes set for the job is inhibited if the determination unit determines that an inhibition attribute is set for the job and inhibiting issuance of the job if the discrimination unit discriminates that a combination of attributes set for the job is inhibited because the modification to use the discrimination unit as taught by Murakami would have constituted the mere arrangement of prior art elements with each performing the same function it had been known to perform, the combination yielding no more than one would expect from such an arrangement. Clearly utilizing the range of acceptable sheets which would allow stapling as taught by Murakami would have provided the predictable results of sending the

Art Unit: 2625

predetermined number of sheets required for stapling to be possible, along with additional attributes of the printer, to the determination unit as disclosed by Yacoub to evaluate whether the print job should be issued.

Regarding claim 82, Yacoub discloses an information processing method according to Claim 81, wherein the information indicating the function setting range is expressed with a combination of attributes for which a job setting is inhibited (see rejection of claim 72).

Regarding claim 90, Yacoub discloses an information processing apparatus according to claim 69.

Yacoub fails to disclose wherein the setting values of a job include a setting value as to a number of print sheets and a setting value as to a finisher device of the peripheral, and wherein the inhibition unit inhibits issuance of the job if the setting value as to the number of print sheets exceeds a predetermined value.

Murakami, in the same field of endeavor of print job finishing, teaches wherein a setting value of a job includes a setting value as to a number of print sheets (Col. 16 lines 47-48 wherein the count of the originals is taken) and a setting value as to a finisher device of the peripheral (Col. 16 lines 47-48 wherein a setting value for a finisher device has to be determined in order to compare the count of the originals), and wherein the issuance of the job is inhibited if the setting value as to the number of print sheets exceeds a predetermined value (Col. 16 lines 51-52 wherein the job may be prohibited if the count or the originals exceeds the devices finishing capabilities).

It would have been obvious to one of ordinary skill in the art at the time the invention was made for the information processing apparatus as disclosed by Yacoub to utilize the obtaining unit for obtaining a number of print sheets and a setting value as to a finisher device of a peripheral and wherein the issuance of the job is inhibited if the setting value as to the number of print sheets exceeds a predetermined value as taught by Murakami to avoid possible staple jams from stapler being over charged or incurring any other damage to a finishing device due to excessive use.

Regarding claim 91, Yacoub discloses an information processing method according to claim 79, wherein the setting values of a job include a setting value as to a number of print sheets and a setting value as to a finisher device of the peripheral, and wherein the inhibiting step inhibits issuance of the job if the setting value as to the number of print sheets exceeds a predetermined value (see rejection of claim 90).

Regarding claim 92, Yacoub discloses an information processing apparatus for controlling via a communication medium a peripheral that processes a job, which executes a predetermined service (see rejection of claim 69), the apparatus comprising:

a central processing unit (Col. 11 lines 1-6 indicates there exists some sort of processing system on which the operating system runs as the underlying platform for the other software running on the system);

a memory unit coupled to the central processing unit (Col. 6 lines 16-19, indicating the virtual printer may store profiles for each user or workstation connected, therefore there must exist a memory unit),

Art Unit: 2625

wherein the central processing unit is configured to obtain, via the communication medium, function information that includes information indicating plural setting values executable by the peripheral (see rejection of claim 69);

wherein the central processing unit is configured to issue a job in response to a user instruction that includes plural setting values of the job (see rejection of claim 69 wherein the user instruction is the selection (checked or unchecked) status indication);

wherein the central processing unit is configured to, if at least one of the plural setting values of the job included in the user instruction does not satisfy a predetermined condition related to the plural setting values executable by the peripheral included in the function information, inhibit issuance of the job (see rejection of claim 69),

wherein the central processing unit allows issuance of the job, if the plural setting values of the job included in the user instruction satisfy the predetermined condition related to the plural setting values executable by the peripheral included in the function information (see rejection of claim 69),

wherein the central processing unit is configured to determine whether an inhibition attribute is set in the plural setting values executable by the peripheral included in function information (see rejection of claim 69 wherein an attribute is unavailable and the printing is inhibited), and

wherein the central processing unit is configured to determine whether a combination of attributes set in the plural setting values of the job are inhibited by the peripheral, if the inhibition attribute is set in the plural setting values executable by the peripheral included in function information (see rejection of claim 72).

Regarding claim 93, Yacoub discloses an information processing method performed by an information processing apparatus for controlling via a communication medium a peripheral that processes a job, which executes a predetermined service, the method comprising:

an obtaining step performed by the information processing apparatus of obtaining, via the communication medium, function information that includes information indicating plural setting values executable by the peripheral (see rejection of claim 92);

an issuance step performed by the information processing apparatus of issuing a job in response to a user instruction that includes plural setting values of the job (see rejection of claim 92);

an inhibition step performed by the information processing apparatus of if at least one of the plural setting values of the job included in the user instruction does not satisfy a predetermined condition related to the plural setting values executable by the peripheral included in the function information obtained in the obtaining step, inhibiting issuance of the job in the issuance step (see rejection of claim 92),

wherein issuance of the job is not inhibited in the inhibition step, if the plural setting values of the job satisfy the predetermined condition related to the plural setting values executable by the peripheral included in the function information (see rejection of claim 92 wherein issuance of the print job is allowed);

a determination step performed by the information processing apparatus of determining whether an inhibition attribute is set in the plural setting values executable by the peripheral included in function information (see rejection of claim 92); and

Art Unit: 2625

a discrimination step performed by the information processing apparatus of discriminating whether a combination of attributes set in the plural setting values of the job are inhibited by the peripheral, if the inhibition attribute determined to be set in the determination step (see rejection of claim 92),

wherein at least one of the above steps is performed by a computer processor (see rejection of claim 92).

Regarding claim 94, Yacoub discloses a computer-readable storage medium, storing, in executable form, a program that causes an information processing apparatus to perform a method of controlling via a communication medium a peripheral that processes a job (see rejection of claim 89), which executes a predetermined service, the method comprising:

an obtaining step performed by the information processing apparatus of obtaining, via the communication medium, function information that includes information indicating plural setting values executable by the peripheral (see rejection of claim 93);

an issuance step performed by the information processing apparatus of issuing a job in response to a user instruction that includes plural setting values of the job (see rejection of claim 93);

an inhibition step performed by the information processing apparatus of, if at least one of the plural setting values of the job included in the user instruction does not satisfy a predetermined condition related to the plural setting values executable by the peripheral included in the function information obtained in the obtaining step, inhibiting issuance of the job in the issuance step (see rejection of claim 93),

wherein issuance of the job is not inhibited in the inhibition step, if the plural setting values of the job satisfy the predetermined condition related to the plural setting values executable by the peripheral included in the function information (see rejection of claim 93);

a determination step performed by the information processing apparatus of determining whether an inhibition attribute is set in the plural setting values executable by the peripheral included in function information (see rejection of claim 93); and

a discrimination step performed by the information processing apparatus of discriminating whether a combination of attributes set in the plural setting values of the job are inhibited by the peripheral, if the inhibition attribute determined to be set in the determination step (see rejection of claim 93).

4. Claims 74 and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yacoub in view of Aiello, Jr. et al as applied to claim 69, and further in view of Shee-Yen Tan et al (US 5978560).

Regarding claim 74, Yacoub discloses an information processing apparatus according to claim 69, wherein said obtaining unit obtains from the peripheral an attribute list indicating functions of the peripheral ("Virtual printer 610 receives other data, from the server 680 or a database in client 600, such as the capabilities of the printers..." Col. 11 line 46).

Yacoub fails to disclose or suggest the obtaining unit obtains a value of an attribute by designating an ID of the attribute in the attribute list.

Tan et al, in the same field of endeavor of distributing job requests to peripheral devices according to retrieved attributes (Col. 1 lines 44-47, Tan et al), teaches obtaining a value of an attribute by designating an ID of the attribute in the attribute list (Fig. 4 shows the attributes listed in the database 600 are each given an ID (MCJP, NJOD, NCJ...) which are provided a value (1, 5, 10...). These values are received by the supervisor to "load balance" print jobs described at Col. 5 lines 31-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made for the apparatus and method as disclosed by Yacoub wherein the obtaining unit obtains from a peripheral an attribute list indicating functions of the peripheral to utilize the teachings of Tan et al wherein a value of an attribute is obtained by designating an ID of the attribute in the attribute list to offer a more uniform indicator for the capabilities of the peripheral devices.

Regarding claim 84, Yacoub discloses an information processing method according to Claim 79, wherein said obtaining step includes obtaining from the peripheral an attribute list indicating functions of the peripheral, and obtaining a value of an attribute by designating an ID of the attribute in the attribute list (see rejection of claim 74).

Response to Arguments

5. Applicant's arguments filed August 3, 2009 have been fully considered but they are not persuasive.

Applicant's remarks: Nothing in Yacoub is believed to teach or suggest that the server determines whether both a first attribute value and a second attribute value included in a print job satisfy a predetermined condition and that the server determines whether either of the first and second attribute values satisfies the predetermined condition. Moreover, nothing in Yacoub is believed to teach or suggest that the server allows issuance of the print job based on such determinations. Nothing in Aiello, Jr. et al. is believed to teach or suggest that the print server determines whether both a first attribute value and a second attribute value included in a print job satisfy a predetermined condition and that the print server determines whether either of the first and second attribute values satisfies the predetermined condition. Moreover, nothing in Aiello, Jr. et al. is believed to teach or suggest that the print server allows issuance of the print job based on such determinations.

Examiner's response: As shown of the rejection of claim 69, Aiello, Jr. et al is fully capable of performing each and every one of the functional limitations recited in claim 69 wherein the reference may consider using the printer's resource settings and/or the printer set-up information to make the determination whether to allow or inhibit issuance of a print job. Prior art is not limited just to the references being applied, but includes the understanding of one of ordinary skill in the art. The prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. The "mere

Art Unit: 2625

existence of differences between the prior art and an invention does not establish the invention's nonobviousness." *Dann v. Johnston*, 425 U.S. 219, 230, 189 USPQ 257, 261 (1976). The gap between the prior art and the claimed invention may not be "so great as to render the [claim] nonobvious to one reasonably skilled in the art." *Id.* In determining obviousness, neither the particular motivation to make the claimed invention nor the problem the inventor is solving controls. The proper analysis is whether the claimed invention would have been obvious to one of ordinary skill in the art after consideration of all the facts. See 35 U.S.C. 103(a). Factors other than the disclosures of the cited prior art may provide a basis for concluding that it would have been obvious to one of ordinary skill in the art to bridge the gap.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

Art Unit: 2625

advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMARES WASHINGTON whose telephone number is (571) 270-1585. The examiner can normally be reached on Monday thru Friday: 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625

/Jamare Washington/
Examiner, Art Unit 2625

/J. W./
Examiner, Art Unit 2625

Art Unit: 2625

November 12, 2009